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April 9, 2012

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3052

By: Steele, Roberts (Sean),
Billy, Denney, McCullough,
Scott, Walker, Cooksey and
McDaniel (Jeannie) of the
House

and

Bingman of the Senate

An Act relating to corrections; requiring certain persons to participate in an assessment and evaluation; providing access to assessment results; directing use of assessment results for sentencing options; amending 22 O.S. 2011, Section 471.2, which relates to the Oklahoma Drug Court Act; providing for the use of intermediate revocation facilities; amending 22 O.S. 2011, Section 982a, which relates to judicial reviews; increasing time limitation for requesting sentence modification; requiring approval by the district attorney under certain circumstances; requiring mandatory term of post-imprisonment supervision; establishing time limitation for post-imprisonment supervision; prohibiting reduction of confinement; providing exception to post-imprisonment supervision requirement; authorizing certain confinement for noncompliance; clarifying authority of the state for the commission of certain crimes; amending 22 O.S. 2011, Section 991b, which relates to revocation proceedings; modifying intermediate sanctions process; amending 57 O.S. 2011, Section 138, which relates to earned credit eligibility requirements; prohibiting certain persons from accumulating earned credits; amending 57 O.S. 2011, Sections 502 and 517, which relate to the Oklahoma Corrections Act of 1967; defining terms; modifying circumstances that allow the revocation of probation;

1 providing procedures for intermediate revocation
2 facility placement; stating authorization for
3 district attorney to initiate revocation proceedings;
4 authorizing the Department of Corrections to
5 establish intermediate revocation facilities for
6 certain persons; establishing time limitation for
7 confinement in facility; prohibiting offenders from
8 receiving earned credits; amending 63 O.S. 2011,
9 Section 2-402, which relates to the Uniform
10 Controlled Dangerous Substances Act; modifying
11 penalties for certain crimes; creating the Justice
12 Reinvestment Grant Program; authorizing the Attorney
13 General to award competitive grants to local law
14 enforcement agencies; directing use of funds;
15 providing eligibility requirements; directing the
16 Attorney General to publish guidelines and
17 application; authorizing the Attorney General to
18 adopt rules and procedures; providing authority to
19 the Office of the Attorney General to collect certain
20 information; making data and information collected
21 confidential; prohibiting disclosure of identifying
22 information; directing certain entities to submit
23 specified information to the Attorney General;
24 directing the Attorney General to include certain
information in report; directing the Attorney General
to provide copy of report to certain persons;
providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 210 of Title 22, unless there is
created a duplication in numbering, reads as follows:

Any person found guilty of a felony offense shall, prior to
sentencing, be required to submit to an approved risk, mental health
and substance abuse assessment and evaluation which shall be
administered and scored by assessment personnel certified by the

1 Department of Mental Health and Substance Abuse Services. Any
2 person lacking sufficient skills to comprehend or otherwise
3 participate in the risk, mental health and substance abuse
4 assessment and evaluation shall have appropriate assistance. The
5 court, district attorney, arrested person and counsel for the
6 arrested person shall have access to the results of the risk, mental
7 health and substance abuse assessment and evaluation. The results
8 of the risk, mental health and substance abuse assessment and
9 evaluation shall not be admissible as evidence in the criminal case
10 unless specifically waived by the defendant or for purposes of
11 determining sentencing options for a defendant who has pled guilty
12 and punishment is to be determined at the discretion of the court.
13 The court and the district attorney shall consider the results of
14 the risk, mental health and substance abuse assessment and
15 evaluation to determine sentencing options for the person.

16 SECTION 2. AMENDATORY 22 O.S. 2011, Section 471.2, is
17 amended to read as follows:

18 Section 471.2 A. The initial opportunity for review of an
19 offender for a drug court program shall occur within four (4) days
20 after the arrest and detention or incarceration of the offender in
21 the city or county jail, or if an immediate bond release program is
22 available through the jail, the initial opportunity for review shall
23 occur in conjunction with the bond release program. When a drug
24 court is established, the following information shall be initially

1 reviewed by the sheriff or designee, if the offender is held in a
2 county jail, or by the chief of police or designee, if the offender
3 is held in a city jail:

4 1. The offender's arrest or charge does not involve a crime of
5 violence against any person, unless there is a specific treatment
6 program in the jurisdiction designed to address domestic violence
7 and the offense is related to domestic violence and substance abuse;

8 2. The offender has no prior felony conviction in this state or
9 another state for a violent offense within the last ten (10) years,
10 except as may be allowed in a domestic violence treatment program
11 authorized by the drug court program. It shall be sufficient for
12 this paragraph that a criminal history records name search was
13 conducted and indicated no apparent violent offense;

14 3. The offender's arrest or charge does not involve a violation
15 of the Trafficking In Illegal Drugs Act, Section 2-414 et seq. of
16 Title 63 of the Oklahoma Statutes;

17 4. The offender has committed a felony offense; and

18 5. The offender:

- 19 a. admits to having a substance abuse addiction,
- 20 b. appears to have a substance abuse addiction,
- 21 c. is known to have a substance abuse addiction, or
- 22 d. the arrest or charge is based upon an offense eligible
23 for the drug court program.

1 B. If it appears to the reviewing officer that the offender may
2 be potentially eligible for the drug court program based upon a
3 review of the information in subsection A of this section, the
4 offender shall be given an eligibility form which may be voluntarily
5 completed by the offender, and the reviewing officer shall file the
6 criminal case record within the time prescribed in subsection E of
7 Section ~~2~~ 471.1 of this ~~act~~ title. The offender shall not
8 automatically be considered for the program based upon this review.
9 The offender must request consideration for the drug court program
10 as provided in subsection C of this section and shall have approval
11 from the district attorney before being considered for the drug
12 court program. The eligibility form shall describe the drug court
13 program for which the offender may be eligible, including, but not
14 limited to:

15 1. A full description of the drug court process and
16 investigation;

17 2. A general explanation of the roles and authority of the
18 supervising staff, the district attorney, the defense attorney, the
19 treatment provider, the offender, and the judge in the drug court
20 program;

21 3. A clear statement that the drug court judge may decide after
22 a hearing not to consider the offender for the drug court program
23 and in that event the offender will be prosecuted in the traditional
24 manner;

1 4. A clear statement that the offender is required, before
2 consideration in the program, to enter a guilty plea as part of a
3 written plea agreement;

4 5. A clear statement that the plea agreement will specify the
5 offense to which the guilty plea will be entered and will state any
6 penalty to be imposed for the offense, both in the event of a
7 successful completion of the drug court program, and in the event of
8 a failure to complete the program;

9 6. A clear statement that the offender must voluntarily agree
10 to:

- 11 a. waive the right to a speedy trial,
- 12 b. waive the right to a preliminary hearing,
- 13 c. the terms and conditions of a treatment plan, and
- 14 d. sign a performance contract with the court;

15 7. A clear statement that the offender, if accepted into the
16 drug court program, may not be incarcerated for the offense in a
17 state correctional institution or jail upon successful completion of
18 the program;

19 8. A clear statement that during participation in the drug
20 court program should the offender fail to comply with the terms of
21 the agreement, the offender may be sanctioned to serve a term of
22 confinement of six (6) months in an intermediate revocation facility
23 operated by the Department of Corrections. An offender shall not be
24

1 allowed to serve more than two separate terms of confinement in an
2 intermediate revocation facility;

3 9. A clear statement that during participation in the drug
4 court program should the offender:

- 5 a. fail to comply with the terms of the agreements,
- 6 b. be convicted of a misdemeanor offense which reflects a
7 propensity for violence,
- 8 c. be arrested for a violent felony offense, or
- 9 d. be convicted of any felony offense,

10 the offender may be required, after a court hearing, to be revoked
11 from the program and sentenced without trial pursuant to the
12 punishment provisions of the negotiated plea agreement; and

13 ~~9.~~ 10. An explanation of the criminal record retention and
14 disposition resulting from participation in the drug court program
15 following successful completion of the program.

16 C. 1. The offender may request consideration for the drug
17 court program as follows:

- 18 a. if the offender is incarcerated, the offender must
19 sign and complete the eligibility form and return it
20 to the sheriff, if the offender is held in the county
21 jail; or to the chief of police, if the offender is
22 held in a city jail. The sheriff or chief of police,
23 upon receipt of the eligibility form, shall file the
24 form with the district attorney at the time of filing

1 the criminal case record or at any time during the
2 period of incarceration when the offender completes
3 the form after the criminal case record has been
4 filed, or

5 b. after release of the offender from incarceration, the
6 offender must sign and complete the eligibility form
7 and file it with the district attorney or the court,
8 prior to or at the time of either initial appearance
9 or arraignment.

10 2. Any offender desiring legal consultation prior to signing or
11 completing the form for consideration in a drug court program shall
12 be referred to the defense attorney of the drug court team, or a
13 public defender, if the offender is indigent, or allowed to consult
14 with private legal counsel.

15 3. Nothing contained in the provisions of this subsection shall
16 prohibit the drug court from considering any offender deemed
17 eligible for the program at any time prior to sentencing whose case
18 has been prosecuted in the traditional manner, or upon a violation
19 of parole or probation conditions relating to substance abuse, upon
20 recommendation of the district attorney as provided in Section ~~9~~
21 471.8 of this ~~act~~ title.

22 D. When an offender has filed a voluntary request to be
23 considered for a drug court program on the appropriate form, the
24 district attorney shall indicate his or her approval of the request

1 by filing the form with the drug court judge. Upon the filing of
2 the request form by the district attorney, an initial hearing shall
3 be set before the drug court judge. The hearing shall be not less
4 than three (3) work days nor more than five (5) work days after the
5 date of the filing of the request form. Notice of the hearing shall
6 be given to the drug court team, or in the event no drug court team
7 is designated, to the offender, the district attorney, and to the
8 public defender. The offender shall be required to notify any
9 private legal counsel of the date and time of the hearing.

10 SECTION 3. AMENDATORY 22 O.S. 2011, Section 982a, is
11 amended to read as follows:

12 Section 982a. A. Any time within ~~twelve (12)~~ twenty-four (24)
13 months after ~~a~~ the initial sentence is imposed or within ~~twelve (12)~~
14 twenty-four (24) months after probation has been revoked, the court
15 imposing sentence or revocation of probation may modify such
16 sentence or revocation by directing that another sentence be
17 imposed, if the court is satisfied that the best interests of the
18 public will not be jeopardized; provided, however, the court shall
19 not impose a deferred sentence. Any application for sentence
20 modification that is filed and ruled upon beyond twelve (12) months
21 of the initial sentence being imposed must be approved by the
22 district attorney who shall provide written notice to any victims in
23 the case which is being considered for modification. This section
24 shall not apply to convicted felons who have been in confinement in

1 any state or federal prison system for any previous felony
2 conviction during the ten-year period preceding the date that the
3 sentence this section applies to was imposed. Further, without the
4 consent of the district attorney, this section shall not apply to
5 sentences imposed pursuant to a plea agreement or jury verdict.

6 B. For purposes of judicial review, upon court order or written
7 request from the sentencing judge, the Department of Corrections
8 shall provide the court imposing sentence or revocation of probation
9 with a report to include a summary of the offender's assessed needs,
10 any progress made by the offender in addressing his or her assessed
11 needs, and any other information the Department can supply on the
12 inmate. The court shall consider such reports when modifying the
13 sentence or revocation of probation. The court shall allow the
14 Department of Corrections at least twenty (20) days after receipt of
15 a request or order from the court to prepare the required reports.

16 C. If the court considers modification of the sentence or
17 revocation of probation, a hearing shall be made in open court after
18 receipt of the reports required in subsection B of this section.
19 The clerk of the court imposing sentence or revocation of probation
20 shall give notice of the judicial review hearing to the Department
21 of Corrections, the inmate, the inmate's legal counsel, and the
22 district attorney of the county in which the inmate was convicted
23 upon receipt of the reports. Such notice shall be mailed at least
24 twenty-one (21) days prior to the hearing date and shall include a

1 copy of the report and any other written information to be
2 considered at the judicial review hearing.

3 D. If an appeal is taken from the original sentence or from a
4 revocation of probation which results in a modification of the
5 sentence or modification to the revocation of probation of the
6 defendant, such sentence may be further modified in the manner
7 ~~hereinbefore~~ described in subsection A of this section within ~~twelve~~
8 ~~(12)~~ twenty-four (24) months after the receipt by the clerk of the
9 district court of the mandate from the Supreme Court or the Court of
10 Criminal Appeals.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 991a-21 of Title 22, unless
13 there is created a duplication in numbering, reads as follows:

14 A. For persons convicted and sentenced on or after November 1,
15 2012, the court shall include in the sentence of any person who is
16 convicted of a felony and sentenced to a term of confinement with
17 the Department of Corrections, as provided in Section 991a of Title
18 22 of the Oklahoma Statutes or any other provision of the Oklahoma
19 Statutes, a term of post-imprisonment supervision. The post-
20 imprisonment supervision shall be for a period of not less than nine
21 (9) months nor more than one (1) year following confinement of the
22 person and shall be served under conditions prescribed by the
23 Department of Corrections. In no event shall the post-imprisonment
24

1 supervision be a reason to reduce the term of confinement for a
2 person.

3 B. The court shall not include a term of post-imprisonment
4 supervision for any person who has been sentenced to life without
5 parole.

6 C. Should the offender fail to comply with the terms of post-
7 imprisonment supervision, the offender may be sanctioned to serve a
8 term of confinement of six (6) months in an intermediate revocation
9 facility.

10 D. Nothing in this section shall prevent the state from
11 revoking, in whole or in part, the post-imprisonment supervision,
12 probation or parole of a person for committing any misdemeanor or
13 felony while under such supervision, probation or parole.

14 SECTION 5. AMENDATORY 22 O.S. 2011, Section 991b, is
15 amended to read as follows:

16 Section 991b. A. Whenever a sentence has been suspended by the
17 court after conviction of a person for any crime, the suspended
18 sentence of the person may not be revoked, in whole or part, for any
19 cause unless a petition setting forth the grounds for such
20 revocation is filed by the district attorney with the clerk of the
21 sentencing court and competent evidence justifying the revocation of
22 the suspended sentence is presented to the court at a hearing to be
23 held for that purpose within twenty (20) days after the entry of the
24 plea of not guilty to the petition, unless waived by both the state

1 and the defendant. The State of Oklahoma may dismiss the petition
2 without prejudice one time upon good cause shown to the court,
3 provided that any successor petition must be filed within forty-five
4 (45) days of the date of the dismissal of the petition.

5 B. 1. The Department of Corrections shall develop a matrix of
6 technical violations and sanctions to address ~~the~~ violations
7 committed by persons who are being supervised by the Department.

8 The Department shall be authorized to use a violation response and
9 intermediate sanction process based on the sanction matrix to apply
10 to any technical violations of probationers. Within four (4)
11 working days of the discovery of the violation, the probation
12 officer shall initiate the violation response and intermediate
13 sanction process. The sentencing judge may authorize any
14 recommended sanctions, which may include, but are not limited to:
15 short-term jail or lockup, day treatment, program attendance,
16 community service, outpatient or inpatient treatment, monetary
17 fines, curfews, ~~or~~ ignition interlock devices on vehicles, or a one-
18 time referral to a term of confinement of six (6) months in an
19 intermediate revocation facility operated by the Department of
20 Corrections; provided, upon approval of the district attorney, a
21 person may be sanctioned to serve additional terms of confinement in
22 an intermediate revocation facility. The probation officer shall
23 complete a sanction form, which shall specify the technical
24 violation, sanction, and the action plan to correct the noncompliant

1 behavior resulting in the technical violation. The probation
2 officer shall refer to the sanctioning matrix to determine the
3 supervision, treatment, and sanctions appropriate to address the
4 noncompliant behavior. The probation officer shall refer the
5 violation information and recommended response with a sanction plan
6 to the Department of Corrections to be heard by a hearing officer.
7 The Department of Corrections shall develop a sanction matrix,
8 forms, policies and procedures necessary to implement this
9 provision. The Department of Corrections shall establish procedures
10 to hear responses to technical violations and review sanction plans
11 including the following:

- 12 a. hearing officers shall report through a chain of
13 command separate from that of the supervising
14 probation officers,
- 15 b. the Department shall provide the offender written
16 notice of the violation, the evidence relied upon, and
17 the reason the sanction was imposed,
- 18 c. the hearing shall be held unless the offender waives
19 the right to the hearing,
- 20 d. hearings shall be electronically recorded, and
- 21 e. the Department shall ~~make available~~ provide to judges
22 and district attorneys a record of all violations and
23 actions taken pursuant to this subsection.

1 2. The hearing officer shall determine based on a preponderance
2 of the evidence whether a technical violation occurred. Upon a
3 finding that a technical violation occurred, the hearing officer may
4 order the offender to participate in the recommended sanction plan
5 or may modify the plan. Offenders who accept the sanction plan
6 shall sign a violation response sanction form, and the hearing
7 officer shall then impose the sanction. Failure of the offender to
8 comply with the imposed sanction plan shall constitute a violation
9 of the rules and conditions of supervision that may result in a
10 revocation proceeding. If an offender does not voluntarily accept
11 the recommended sanction plan, the Department shall either impose
12 the sanction and allow the offender to appeal to the district court,
13 or request a revocation proceeding as provided by law. Every
14 administrative hearing and sanction imposed by the Department shall
15 be appealable to the district court.

16 C. 1. Where one of the grounds for revocation is the failure
17 of the defendant to make restitution as ordered, the Department of
18 Corrections shall forward to the district attorney all information
19 pertaining to the failure of the defendant to make timely
20 restitution as ordered by the court, and the district attorney shall
21 file a petition setting forth the grounds for revocation.

22 2. The defendant ordered to make restitution can petition the
23 court at any time for remission or a change in the terms of the
24 order of restitution if the defendant undergoes a change of

1 condition which materially affects the ability of the defendant to
2 comply with the order of the court.

3 3. At the hearing, if one of the grounds for the petition for
4 revocation is the failure of the defendant to make timely
5 restitution as ordered by the court, the court will hear evidence
6 and if it appears to the satisfaction of the court from such
7 evidence that the terms of the order of restitution create a
8 manifest hardship on the defendant or the immediate family of the
9 defendant, the court may cancel all or any part of the amount still
10 due, or modify the terms or method of payment.

11 D. The court may revoke a portion of the sentence and leave the
12 remaining part not revoked, but suspended for the remainder of the
13 term of the sentence, and under the provisions applying to it. The
14 person whose suspended sentence is being considered for revocation
15 at the hearing shall have the right to be represented by counsel, to
16 present competent evidence in his or her own behalf and to be
17 confronted by the witnesses against the defendant. Any order of the
18 court revoking the suspended sentence, in whole or in part, shall be
19 subject to review on appeal, as in other appeals of criminal cases.
20 Provided, however, that if the crime for which the suspended
21 sentence is given was a felony, the defendant may be allowed bail
22 pending appeal. If the reason for revocation be that the defendant
23 committed a felony, the defendant shall not be allowed bail pending
24 appeal.

1 SECTION 6. AMENDATORY 57 O.S. 2011, Section 138, is
2 amended to read as follows:

3 Section 138. A. Except as otherwise provided by law, every
4 inmate of a state correctional institution shall have their term of
5 imprisonment reduced monthly, based upon the class level to which
6 they are assigned. Earned credits may be subtracted from the total
7 credits accumulated by an inmate, upon recommendation of the
8 institution's disciplinary committee, following due process, and
9 upon approval of the warden or superintendent. Each earned credit
10 is equivalent to one (1) day of incarceration. Lost credits may be
11 restored by the warden or superintendent upon approval of the
12 classification committee. If a maximum and minimum term of
13 imprisonment is imposed, the provisions of this subsection shall
14 apply only to the maximum term. No deductions shall be credited to
15 any inmate serving a sentence of life imprisonment; however, a
16 complete record of the inmate's participation in work, school,
17 vocational training, or other approved program shall be maintained
18 by the Department for consideration by the paroling authority. No
19 earned credit deductions shall be credited or recorded for any
20 inmate serving any sentence for a criminal act which resulted in the
21 death of a police officer, a law enforcement officer, an employee of
22 the Department of Corrections, or an employee of a private prison
23 contractor and the death occurred while the police officer, law
24 enforcement officer, employee of the Department of Corrections, or

1 employee of a private prison contractor was acting within the scope
2 of their employment. No earned credit deductions shall be credited
3 or recorded for any person who is referred to an intermediate
4 revocation facility for violating any of the terms and conditions of
5 probation.

6 B. The Department of Corrections is directed to develop a
7 written policy and procedure whereby inmates shall be assigned to
8 one of four class levels determined by an adjustment review
9 committee of the facility to which the inmate is assigned. The
10 policies and procedures developed by the Department shall include,
11 but not be limited to, written guidelines pertaining to awarding
12 credits for rehabilitation, obtaining job skills and educational
13 enhancement, participation in and completion of alcohol/chemical
14 abuse programs, incentives for inmates to accept work assignments
15 and jobs, work attendance and productivity, conduct record,
16 participation in programs, cooperative general behavior, and
17 appearance. When assigning inmates to a class level the adjustment
18 review committee shall consider all aspects of the policy and
19 procedure developed by the Department including but not limited to,
20 the criteria for awarding credits required by this subsection.

21 C. If an inmate is subject to misconduct, nonperformance or
22 disciplinary action, earned credits may be removed according to the
23 policies and procedures developed by the Department. Earned credits
24

1 removed for misconduct, nonperformance or disciplinary action may be
2 restored as provided by Department policy, if any.

3 D. 1. Class levels shall be as follows:

4 a. Class level 1 shall include inmates not eligible to
5 participate in class levels 2 through 4, and shall
6 include, but not be limited to, inmates on escape
7 status.

8 b. Class level 2 shall include an inmate who has been
9 given a work, education, or program assignment, has
10 received a good evaluation for participation in the
11 work, education, or program assignment, and has
12 received a good evaluation for personal hygiene and
13 maintenance of living area.

14 c. Class level 3 shall include an inmate who has been
15 incarcerated at least three (3) months, has received
16 an excellent work, education, or program evaluation,
17 and has received an excellent evaluation for personal
18 hygiene and maintenance of living area.

19 d. Class level 4 shall include an inmate who has been
20 incarcerated at least eight (8) months, has received
21 an outstanding work, education, or program evaluation,
22 and has received an outstanding evaluation for
23 personal hygiene and maintenance of living area.
24

1 2. a. Until November 1, 2001, class level corresponding
2 credits are as follows:

3 Class 1 - 0 Credits per month;

4 Class 2 - 22 Credits per month;

5 Class 3 - 33 Credits per month;

6 Class 4 - 44 Credits per month.

7 b. Class level corresponding credits beginning November
8 1, 2001, for inmates who have ever been convicted as
9 an adult or a youthful offender or adjudicated
10 delinquent as a juvenile for a felony offense
11 enumerated in subsection E of this section are as
12 follows:

13 Class 1 - 0 Credits per month;

14 Class 2 - 22 Credits per month;

15 Class 3 - 33 Credits per month;

16 Class 4 - 44 Credits per month.

17 c. Class level corresponding credits beginning November 1,
18 2001, for inmates who have never been convicted as an
19 adult or a youthful offender or adjudicated delinquent
20 as a juvenile for a felony offense enumerated in
21 subsection E of this section are as follows:

22 Class 1 - 0 Credits per month;

23 Class 2 - 22 Credits per month;

24 Class 3 - 45 Credits per month;

1 Class 4 - 60 Credits per month.

2 Each inmate shall receive the above specified monthly credits
3 for the class to which he or she is assigned. In determining the
4 prior criminal history of the inmate, the Department of Corrections
5 shall review criminal history records available through the Oklahoma
6 State Bureau of Investigation, Federal Bureau of Investigation, and
7 National Crime Information Center to determine the reported felony
8 convictions of all inmates. The Department of Corrections shall
9 also review the Office of Juvenile Affairs Juvenile On-line Tracking
10 System for inmates who were adjudicated delinquent or convicted as a
11 youthful offender for a crime that would be an offense enumerated in
12 subsection E of this section.

13 3. In addition to the criteria established for each class in
14 paragraph 1 of this subsection, the following requirements shall
15 apply to each of levels 2 through 4:

- 16 a. satisfactory participation in the work, education, or
17 program assignment at the standard required for the
18 particular class level;
- 19 b. maintenance of a clean and orderly living area and
20 personal hygiene at the standard required for the
21 particular class level;
- 22 c. cooperative behavior toward facility staff and other
23 inmates;

d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.

b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.

c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.

d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

E. No person ever convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile in this state for any felony offense enumerated in this subsection or a similar felony offense pursuant to the provisions of another state, the United States, or a military court shall be eligible for the credits provided by the

1 provisions of subparagraph c of paragraph 2 of subsection D of this
2 section.

3 1. Assault, battery, or assault and battery with a dangerous
4 weapon as defined by Section 645, or subsection C of Section 652 of
5 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

6 2. Aggravated assault and battery on a police officer, sheriff,
7 highway patrolman, or any other officer of the law as defined by
8 Section 650, subsection C of Section 650.2, 650.5, subsection B of
9 Section 650.6, or subsection C of Section 650.7 of Title 21 of the
10 Oklahoma Statutes;

11 3. Poisoning with intent to kill as defined by Section 651 of
12 Title 21 of the Oklahoma Statutes;

13 4. Shooting with intent to kill as defined by Section 652 of
14 Title 21 of the Oklahoma Statutes;

15 5. Assault with intent to kill as defined by Section 653 of
16 Title 21 of the Oklahoma Statutes;

17 6. Assault with intent to commit a felony as defined by Section
18 681 of Title 21 of the Oklahoma Statutes;

19 7. Assaults while masked or disguised as defined by Section
20 1303 of Title 21 of the Oklahoma Statutes;

21 8. Entering premises of another while masked as defined by
22 Section 1302 of Title 21 of the Oklahoma Statutes;

23 9. Murder in the first degree as defined by Section 701.7 of
24 Title 21 of the Oklahoma Statutes;

1 10. Solicitation for Murder in the first degree as defined by
2 Section 701.16 of Title 21 of the Oklahoma Statutes;
3 11. Murder in the second degree as defined by Section 701.8 of
4 Title 21 of the Oklahoma Statutes;
5 12. Manslaughter in the first degree as defined by Section 711,
6 712 or 714 of Title 21 of the Oklahoma Statutes;
7 13. Manslaughter in the second degree as defined by Section 716
8 or 717 of Title 21 of the Oklahoma Statutes;
9 14. Kidnapping as defined by Section 741 of Title 21 of the
10 Oklahoma Statutes;
11 15. Burglary in the first degree as defined by Section 1431 of
12 Title 21 of the Oklahoma Statutes;
13 16. Burglary with explosives as defined by Section 1441 of
14 Title 21 of the Oklahoma Statutes;
15 17. Kidnapping for extortion as defined by Section 745 of Title
16 21 of the Oklahoma Statutes;
17 18. Maiming as defined by Section 751 of Title 21 of the
18 Oklahoma Statutes;
19 19. Robbery as defined by Section 791 of Title 21 of the
20 Oklahoma Statutes;
21 20. Robbery in the first degree as defined by Section 797 of
22 Title 21 of the Oklahoma Statutes;
23 21. Robbery in the second degree as defined by Section 797 of
24 Title 21 of the Oklahoma Statutes;

1 22. Armed robbery as defined by Section 801 of Title 21 of the
2 Oklahoma Statutes;

3 23. Robbery by two (2) or more persons as defined by Section
4 800 of Title 21 of the Oklahoma Statutes;

5 24. Robbery with dangerous weapon or imitation firearm as
6 defined by Section 801 of Title 21 of the Oklahoma Statutes;

7 25. Any crime against a child provided for in Section 843.5 of
8 Title 21 of the Oklahoma Statutes;

9 26. Wiring any equipment, vehicle or structure with explosives
10 as defined by Section 849 of Title 21 of the Oklahoma Statutes;

11 27. Forcible sodomy as defined by Section 888 of Title 21 of
12 the Oklahoma Statutes;

13 28. Rape in the first degree as defined by Sections 1111 and
14 1114 of Title 21 of the Oklahoma Statutes;

15 29. Rape in the second degree as defined by Sections 1111 and
16 1114 of Title 21 of the Oklahoma Statutes;

17 30. Rape by instrumentation as defined by Section 1111.1 of
18 Title 21 of the Oklahoma Statutes;

19 31. Lewd or indecent proposition or lewd or indecent act with a
20 child as defined by Section 1123 of Title 21 of the Oklahoma
21 Statutes;

22 32. Sexual battery of a person over 16 as defined by Section
23 1123 of Title 21 of the Oklahoma Statutes;

24

1 33. Use of a firearm or offensive weapon to commit or attempt
2 to commit a felony as defined by Section 1287 of Title 21 of the
3 Oklahoma Statutes;

4 34. Pointing firearms as defined by Section 1289.16 of Title 21
5 of the Oklahoma Statutes;

6 35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of
7 the Oklahoma Statutes;

8 36. Inciting to riot as defined by Section 1320.2 of Title 21
9 of the Oklahoma Statutes;

10 37. Arson in the first degree as defined by Section 1401 of
11 Title 21 of the Oklahoma Statutes;

12 38. Endangering human life during arson as defined by Section
13 1405 of Title 21 of the Oklahoma Statutes;

14 39. Injuring or burning public buildings as defined by Section
15 349 of Title 21 of the Oklahoma Statutes;

16 40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of
17 Title 21 of the Oklahoma Statutes;

18 41. Extortion as defined by Section 1481 or 1486 of Title 21 of
19 the Oklahoma Statutes;

20 42. Obtaining signature by extortion as defined by Section 1485
21 of Title 21 of the Oklahoma Statutes;

22 43. Seizure of a bus, discharging firearm or hurling missile at
23 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;
24

1 44. Mistreatment of a vulnerable adult as defined by Section
2 843.1 of Title 21 of the Oklahoma Statutes;

3 45. Sex offender providing services to a child as defined by
4 Section 404.1 of Title 10 of the Oklahoma Statutes;

5 46. A felony offense of domestic abuse as defined by subsection
6 C of Section 644 of Title 21 of the Oklahoma Statutes;

7 47. Prisoner placing body fluid on government employee as
8 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

9 48. Poisoning food or water supply as defined by Section 832 of
10 Title 21 of the Oklahoma Statutes;

11 49. Trafficking in children as defined by Section 866 of Title
12 21 of the Oklahoma Statutes;

13 50. Incest as defined by Section 885 of Title 21 of the
14 Oklahoma Statutes;

15 51. Procure, produce, distribute, or possess juvenile
16 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma
17 Statutes;

18 52. Parental consent to juvenile pornography as defined by
19 Section 1021.3 of Title 21 of the Oklahoma Statutes;

20 53. Soliciting minor for indecent exposure as defined by
21 Section 1021 of Title 21 of the Oklahoma Statutes;

22 54. Distributing obscene material or child pornography as
23 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

1 55. Child prostitution as defined by Section 1030 of Title 21
2 of the Oklahoma Statutes;

3 56. Procuring a minor for prostitution or other lewd acts as
4 defined by Section 1087 of Title 21 of the Oklahoma Statutes;

5 57. Transporting a child under 18 for purposes of prostitution
6 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

7 58. Inducing a minor to engage in prostitution as defined by
8 Section 1088 of Title 21 of the Oklahoma Statutes;

9 59. A felony offense of stalking as defined by subsection D of
10 Section 1173 of Title 21 of the Oklahoma Statutes;

11 60. Spread of infectious diseases as defined by Section 1192 of
12 Title 21 of the Oklahoma Statutes;

13 61. Advocate overthrow of government by force, commit or
14 attempt to commit acts to overthrow the government, organize or
15 provide assistance to groups to overthrow the government as defined
16 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma
17 Statutes;

18 62. Feloniously discharging a firearm as defined by Section
19 1289.17A of Title 21 of the Oklahoma Statutes;

20 63. Possession, use, manufacture, or threat of incendiary
21 device as defined by Section 1767.1 of Title 21 of the Oklahoma
22 Statutes;

23

24

1 64. Causing a personal injury accident while driving under the
2 influence as defined by Section 11-904 of Title 47 of the Oklahoma
3 Statutes; or

4 65. Using a motor vehicle to facilitate the discharge of a
5 firearm as defined by Section 652 of Title 21 of the Oklahoma
6 Statutes.

7 F. The policy and procedure developed by the Department of
8 Corrections shall include provisions for adjustment review
9 committees of not less than three members for each such committee.
10 Each committee shall consist of a classification team supervisor who
11 shall act as chairman, the case manager for the inmate being
12 reviewed or classified, a correctional officer or inmate counselor,
13 and not more than two other members, if deemed necessary, determined
14 pursuant to policy and procedure to be appropriate for the specific
15 adjustment review committee or committees to which they are
16 assigned. At least once every four (4) months the adjustment review
17 committee for each inmate shall evaluate the class level status and
18 performance of the inmate and determine whether or not the class
19 level for the inmate should be changed.

20 Any inmate who feels aggrieved by a decision made by an
21 adjustment review committee may utilize normal grievance procedures
22 in effect with the Department of Corrections and in effect at the
23 facility in which the inmate is incarcerated.

1 G. Inmates granted medical leaves for treatment that cannot be
2 furnished at the penal institution where incarcerated shall be
3 allowed the time spent on medical leave as time served. Any inmate
4 placed into administrative segregation for nondisciplinary reasons
5 by the institution's administration may be placed in Class 2. The
6 length of any jail term served by an inmate before being transported
7 to a state correctional institution pursuant to a judgment and
8 sentence of incarceration shall be deducted from the term of
9 imprisonment at the state correctional institution. Inmates
10 sentenced to the Department of Corrections and detained in a county
11 jail as a result of the Department's reception scheduling procedure
12 shall be awarded earned credits as provided for in subparagraph b of
13 paragraph 1 of subsection D of this section, beginning on the date
14 of the judgment and sentence, unless the inmate is convicted of a
15 misdemeanor or felony committed in the jail while the inmate is
16 awaiting transport to the Lexington Assessment and Reception Center
17 or other assessment and reception location determined by the
18 Director of the Department of Corrections.

19 H. Additional achievement earned credits for successful
20 completion of departmentally approved programs or for attaining
21 goals or standards set by the Department shall be awarded as
22 follows:

23 Bachelor's degree.....200 credits;

24 Associate's degree.....100 credits;

High School Diploma or Equivalent
General Education Diploma.....90 credits;
Certification of Completion of
Vocational Training.....80 credits;
Successful completion of
Alcohol/Chemical Abuse Treatment
Program of not less than four (4)
months continuous participation.....70 credits;
Successful completion of other
Educational Accomplishments or
other programs not specified in
this subsection.....10-30 credits;

Achievement earned credits are subject to loss and restoration in
the same manner as earned credits.

I. The accumulated time of every inmate shall be tallied
monthly and maintained by the institution where the term of
imprisonment is being served. A record of said accumulated time
shall be:

1. Sent to the administrative office of the Department of
Corrections on a quarterly basis; and

2. Provided to the inmate.

SECTION 7. AMENDATORY 57 O.S. 2011, Section 502, is
amended to read as follows:

1 Section 502. As used in this title, unless the context
2 otherwise requires:

3 1. "Board" means the State Board of Corrections;

4 2. "Department" means the Department of Corrections of this
5 state;

6 3. "Director" means the Director of the Department of
7 Corrections;

8 4. "Halfway house" means a private facility for the placement
9 of inmates in a community setting for the purpose of reintegrating
10 into the community inmates who are nearing their release dates. The
11 term shall not include private prisons;

12 5. "Institutions" means the Oklahoma State Penitentiary located
13 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
14 Granite, Oklahoma; the Lexington Assessment and Reception Center
15 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
16 located at Lexington, Oklahoma; the Jackie Brannon Correctional
17 Center located at McAlester, Oklahoma; the Howard C. McLeod
18 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
19 Correctional Center located at Stringtown, Oklahoma; the Jim E.
20 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
21 Bassett Correctional Center located at Oklahoma City, Oklahoma; the
22 R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma;
23 the James Crabtree Correctional Center located at Helena, Oklahoma;
24 the Jess Dunn Correctional Center located at Taft, Oklahoma; the

1 John Lilley Correctional Center located at Boley, Oklahoma; the
2 William S. Key Correctional Center located at Fort Supply, Oklahoma;
3 the Dr. Eddie Walter Warrior Correctional Center located at Taft,
4 Oklahoma; the Northeast Oklahoma Correctional Center located at
5 Vinita, Oklahoma; the Clara Waters and Kate Barnard Community
6 Corrections Centers located at Oklahoma City, Oklahoma; the
7 Community Corrections Centers located at Lawton, Enid, and Muskogee;
8 the Charles E. "Bill" Johnson Correctional Center, located east of
9 Alva, Oklahoma; and other facilities under the jurisdiction and
10 control of the Department of Corrections or hereafter established by
11 the Department of Corrections;

12 ~~4. "Director" means the Director of the Department of~~
13 ~~Corrections;~~

14 ~~5. "Halfway house" means a private facility for the placement~~
15 ~~of inmates in a community setting for the purpose of reintegrating~~
16 ~~into the community inmates who are nearing their release dates. The~~
17 ~~term shall not include private prisons;~~

18 6. "Intermediate revocation facility" means a corrections
19 center operated by the Department of Corrections or a private
20 facility or public trust operating pursuant to contract with the
21 Department of Corrections which provides housing and intensive
22 programmatic services for offenders who have violated the terms or
23 conditions of probation as determined by a supervising probation
24 officer. "Intensive programmatic services" offered by the

1 Department of Corrections includes, but shall not be limited to,
2 alcohol and substance abuse counseling and treatment, mental health
3 counseling and treatment and domestic violence courses and treatment
4 programs;

5 7. "Intermediate sanctions facility" means a community
6 corrections center operated by the Department of Corrections or a
7 private facility or public trust operating pursuant to contract with
8 the Department of Corrections which provides for the housing and
9 programmatic services of offenders such as probation or parole
10 violators or community sentenced offenders placed in the facility
11 for disciplinary sanctions, work release offenders, offenders who
12 need intensive programmatic services, or offenders who have
13 demonstrated positive adjustment while in an institutional setting
14 who need additional programmatic services to enhance their reentry
15 into society upon release from a prison term; and

16 ~~7.~~ 8. "Private prison contractor" means:

17 a. a nongovernmental entity or public trust which,
18 pursuant to a contract with the Department of
19 Corrections, operates an institution within the
20 Department other than a halfway house or intermediate
21 sanctions facility, or provides for the housing, care,
22 and control of inmates and performs other functions
23 related to these responsibilities within a minimum,
24

1 medium, or maximum security level facility not owned
2 by the Department but operated by the contractor, or
3 b. a nongovernmental entity or public trust which,
4 pursuant to a contract with the United States or
5 another state, provides for the housing, care, and
6 control of minimum or medium security inmates in the
7 custody of the United States or another state, and
8 performs other functions related to these
9 responsibilities other than a halfway house or
10 intermediate sanctions facility within a facility
11 owned or operated by the contractor.

12 SECTION 8. AMENDATORY 57 O.S. 2011, Section 517, is
13 amended to read as follows:

14 Section 517. A. ~~Except as provided in subsection B of this~~
15 ~~section, the~~ A Probation and Parole Officer ~~shall~~, upon information
16 sufficient to give the officer reasonable grounds to believe that a
17 probationer has ~~violated the terms or conditions of the sentence of~~
18 ~~probation~~ been charged with or found guilty of committing a felony
19 or misdemeanor offense, or has escaped from custody as provided in
20 Section 443 of Title 21 of the Oklahoma Statutes, shall notify the
21 Department. If it is determined that the facts justify revocation
22 action, the Department shall issue a warrant for the arrest of the
23 probationer and the warrant shall have the force and effect of any
24 warrant of arrest issued by a district court in this state. A

1 probationer shall, after arrest, be immediately incarcerated in the
2 nearest county jail or intermediate sanctions facility to await
3 action by the court as to whether the probation will be revoked.

4 B. ~~Any probationer determined to have~~ A Probation and Parole
5 Officer, upon information sufficient to give the officer reasonable
6 grounds to believe that a probationer has violated any the terms or
7 conditions of probation by the supervising probation officer, may~~7~~
8 ~~upon~~ notify the Department. If it is determined that the facts
9 justify disciplinary sanctions, the Department shall issue a warrant
10 for the arrest of the probationer and the warrant shall have the
11 force and effect of any warrant of arrest issued by a district court
12 in this state. The probationer shall, after arrest, be immediately
13 incarcerated in the nearest county jail or intermediate sanction
14 facility to await action by the court as to whether disciplinary
15 sanctions shall be imposed. Upon approval of the court and the
16 Department of Corrections, the probationer shall be placed ~~by the~~
17 ~~court~~ in an intermediate sanctions revocation facility for
18 disciplinary sanction and intensive programmatic services in lieu of
19 a first revocation when revocation is deemed unnecessary for the
20 nature of the violation. Repeated violations by the probationer of
21 the terms and conditions of probation may result in a revocation
22 proceeding.

23 C. Any probationer for whom a warrant for arrest issues as
24 provided in subsection A of this section may, at the discretion of

1 the court, be placed in an intermediate sanctions facility pending
2 or following any action by the court as to revocation of probation
3 or required additional conditions to remain on probation. A
4 probationer may be processed by the Department on an expedited basis
5 through any facility serving such purpose or may be processed
6 directly by the intermediate sanctions facility.

7 D. Nothing in this section shall preclude a district attorney
8 from initiating an application to revoke a suspended sentence
9 pursuant to subsection A of this section without a recommendation
10 from the Department or from initiating an application to revoke a
11 suspended sentence and referring the person to an intermediate
12 revocation facility without a recommendation from the Department
13 pursuant to subsection B of this section, when the district attorney
14 believes that competent evidence justifies the revocation of the
15 suspended sentence.

16 SECTION 9. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 628 of Title 57, unless there is
18 created a duplication in numbering, reads as follows:

19 The Department of Corrections is hereby authorized to establish
20 facilities to be designated as intermediate revocation facilities
21 for the purpose of temporarily confining offenders who have violated
22 the terms and conditions of probation. A period of confinement in
23 an intermediate revocation facility shall be for six (6) months. An
24 offender who is referred to an intermediate revocation facility

1 shall not be eligible to receive any earned credits pursuant to the
2 provisions of Section 138 of Title 57 of the Oklahoma Statutes.

3 SECTION 10. AMENDATORY 63 O.S. 2011, Section 2-402, is
4 amended to read as follows:

5 Section 2-402. A. 1. It shall be unlawful for any person
6 knowingly or intentionally to possess a controlled dangerous
7 substance unless such substance was obtained directly, or pursuant
8 to a valid prescription or order from a practitioner, while acting
9 in the course of his or her professional practice, or except as
10 otherwise authorized by this act.

11 2. It shall be unlawful for any person to purchase any
12 preparation excepted from the provisions of the Uniform Controlled
13 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~
14 pursuant to Section 2-313 of this title in an amount or within a
15 time interval other than that permitted by Section 2-313 of this
16 title.

17 3. It shall be unlawful for any person or business to sell,
18 market, advertise or label any product containing ephedrine, its
19 salts, optical isomers, or salts of optical isomers, for the
20 indication of stimulation, mental alertness, weight loss, appetite
21 control, muscle development, energy or other indication which is not
22 approved by the pertinent federal OTC Final Monograph, Tentative
23 Final Monograph, or FDA-approved new drug application or its legal
24

1 equivalent. In determining compliance with this requirement, the
2 following factors shall be considered:

- 3 a. the packaging of the product,
- 4 b. the name of the product, and
- 5 c. the distribution and promotion of the product,
6 including verbal representations made at the point of
7 sale.

8 B. Any person who violates this section with respect to:

9 1. Any Schedule I or II substance, except marihuana or a
10 substance included in subsection D of Section 2-206 of this title,
11 is guilty of a felony punishable by imprisonment for not less than
12 two (2) years nor more than ten (10) years and by a fine not
13 exceeding Five Thousand Dollars (\$5,000.00). A second or subsequent
14 violation of this section with respect to Schedule I or II
15 substance, except marijuana or a substance included in subsection D
16 of Section 2-206 of this title, is a felony punishable by
17 imprisonment for not less than four (4) years nor more than twenty
18 (20) years and by a fine not exceeding Ten Thousand Dollars
19 (\$10,000.00); ~~or~~

20 2. Any Schedule III, IV or V substance, marihuana, a substance
21 included in subsection D of Section 2-206 of this title, or any
22 preparation excepted from the provisions of the Uniform Controlled
23 Dangerous Substances Act is guilty of a misdemeanor punishable by
24 confinement for not more than one (1) year and by a fine not

1 exceeding One Thousand Dollars (\$1,000.00). ~~A second or subsequent~~
2 ~~violation of this section with respect to any;~~

3 3. Any Schedule III, IV or V substance, marijuana, a substance
4 included in subsection D of Section 2-206 of this title, or any
5 preparation excepted from the provisions of the Uniform Controlled
6 Dangerous Substances Act ~~is~~ and who, during the period of any court-
7 imposed probationary term or within ten (10) years of the date
8 following the completion of the execution of any sentence or
9 deferred judgment for a violation of this section, commits a second
10 or subsequent violation of this section shall, upon conviction, be
11 guilty of a felony punishable by imprisonment in the custody of the
12 Department of Corrections for not less than two (2) years nor more
13 than ten (10) years and by a fine not exceeding Five Thousand
14 Dollars (\$5,000.00); or

15 4. Any Schedule III, IV or V substance, marijuana, a substance
16 included in subsection D of Section 2-206 of this title, or any
17 preparation excepted from the provisions of the Uniform Controlled
18 Dangerous Substances Act and who, ten (10) or more years following
19 the date of completion of the execution of any sentence or deferred
20 judgment for a violation of this section, commits a second or
21 subsequent violation of this section shall, upon conviction, be
22 guilty of a felony punishable by imprisonment in the custody of the
23 Department of Corrections for not less than one (1) year nor more
24

1 than five (5) years and by a fine not exceeding Five Thousand
2 Dollars (\$5,000.00).

3 C. Any person who violates any provision of this section by
4 possessing or purchasing a controlled dangerous substance from any
5 person, in or on, or within one thousand (1,000) feet of the real
6 property comprising a public or private elementary or secondary
7 school, public vocational school, public or private college or
8 university, or other institution of higher education, recreation
9 center or public park, including state parks and recreation areas,
10 or in the presence of any child under twelve (12) years of age,
11 shall be guilty of a felony and punished by:

12 1. For a first offense, a term of imprisonment, or by the
13 imposition of a fine, or by both, not exceeding twice that
14 authorized by the appropriate provision of this section. In
15 addition, the person shall serve a minimum of fifty percent (50%) of
16 the sentence received prior to becoming eligible for state
17 correctional institution earned credits toward the completion of
18 said sentence; or

19 2. For a second or subsequent offense, a term of imprisonment
20 not exceeding three times that authorized by the appropriate
21 provision of this section and the person shall serve a minimum of
22 ninety percent (90%) of the sentence received prior to becoming
23 eligible for state correctional institution earned credits toward
24

1 the completion of said sentence, and imposition of a fine not
2 exceeding Ten Thousand Dollars (\$10,000.00).

3 D. Any person convicted of any offense described in this
4 section shall, in addition to any fine imposed, pay a special
5 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
6 deposited into the Trauma Care Assistance Revolving Fund created in
7 Section ~~1-2522~~ 1-2530.9 of this title.

8 SECTION 11. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 20k of Title 74, unless there is
10 created a duplication in numbering, reads as follows:

11 A. There is hereby established the Justice Reinvestment Grant
12 Program. Contingent upon the provision of appropriate funds
13 designated for Justice Reinvestment grants, the Office of the
14 Attorney General is authorized to award one or more such competitive
15 grants to local law enforcement agencies for the purpose of
16 providing funding for new initiatives and strategies to combat
17 violent crime as proposed by local law enforcement agencies. Funds
18 shall be used for local initiatives, technical assistance, law
19 enforcement training, law enforcement equipment, crime victim
20 services, contractual support and information systems for criminal
21 justice purposes.

22 B. To be eligible for a Justice Reinvestment Grant, local law
23 enforcement agencies shall submit proposals to the Office of the
24 Attorney General that focus on increasing the capacity of the law

1 enforcement agency to address violent crime within their
2 jurisdiction through one of the following priority strategies:

3 1. Focusing on intervention and enforcement through the use of
4 increased staffing resources with overtime funds to target violent
5 crime with evidence-driven approaches. Policing initiatives may
6 include directed patrols, "hot spot" policing, intelligence-led
7 policing, or youth and gang violence interventions;

8 2. Increasing technological capacity to support intervention
9 and enforcement with the purchase of technology for crime prevention
10 and criminal justice problem solving. Technology shall include, but
11 not be limited to, crime mapping software, Global Positioning
12 Systems (GPS) technology and smart phone tools;

13 3. Enhancing analytical capacity through the development or
14 expansion of analytical capabilities that focus on crime mapping,
15 analysis of crime trends and developing data-driven strategies that
16 focus on violent crime reduction through the employment of civilian
17 crime analysts;

18 4. Engaging with community partners in order to develop
19 partnerships and projects that focus on preventing violent crime in
20 the community. Community partners may include, but are not limited
21 to, public and private service providers, the courts, and probation
22 and parole services. Projects shall include, but are not limited
23 to, programs that focus on drug enforcement efforts, youth violent
24 crime, gang violence, and offender recidivism; and

1 5. Increasing direct services to crime victims through local
2 law enforcement efforts which shall include, but not be limited to,
3 addressing gaps in crime victims services by enhancing accessibility
4 to services, increasing awareness of victimization and partnering
5 with local community providers to improve supports and services to
6 victims of crime.

7 C. Preference shall be given to grant applicants that can
8 demonstrate a commitment to regional, multijurisdictional strategies
9 to address community safety issues and can clearly outline a
10 comprehensive plan for municipalities to work with law enforcement,
11 community-based organizations and government agencies to address
12 violent criminal activity.

13 D. Grants awarded pursuant to the Justice Reinvestment Grant
14 Program shall be considered one-time grants awarded to local law
15 enforcement agencies. The Office of the Attorney General shall
16 consult with local law enforcement agencies when determining grant
17 eligibility requirements and criteria. The Office of the Attorney
18 General shall publish guidelines and an application for the
19 competitive portion of the grant program no later than January 1,
20 2013.

21 E. The Office of the Attorney General is hereby authorized to
22 adopt rules and procedures as necessary to carry out the provisions
23 of this section.
24

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 201 of Title 74, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The Office of the Attorney General shall have the authority
5 to collect information sufficient to meet its responsibilities
6 related to the auditing of justice reinvestment initiatives in this
7 state.

8 B. The individual forms, computer and electronic data, and
9 other forms of information collected by and furnished to the
10 Attorney General shall be confidential and shall not be public
11 records as defined in the Oklahoma Open Records Act.

12 C. Except as otherwise provided by state and federal
13 confidentiality laws, identifying information shall not be disclosed
14 and shall not be used for any public purpose other than the creation
15 and maintenance of anonymous data sets for statistical reporting and
16 data analysis.

17 D. The following entities shall report and submit the required
18 information to the Attorney General on or before November 1, 2016:

19 1. The Oklahoma State Bureau of Investigation shall provide
20 crimes rates for violent, property and drug-related crimes;

21 2. The Department of Mental Health and Substance Abuse Services
22 shall provide information related to the location and number of
23 mental health beds, funds expended on services for criminal
24 offenders, the total number of mental health assessments completed

1 by the Department, as well as the average score, costs and
2 verification of mental health assessment tools;

3 3. The District Attorneys Council shall provide information
4 related to the costs of providing training for victim-witness
5 coordinators and support staff who provide services to crime victims
6 and witnesses within each district and the number of assistant
7 district attorneys and support staff employed within each office;

8 4. The Administrative Director of the Courts shall provide the
9 total number of criminal sentence modifications; and

10 5. The Department of Corrections shall provide information
11 related to incarceration rates including, but not limited to, the
12 type of criminal offense, average period of incarceration, total
13 number of correctional facilities and the total number of
14 corrections officers, corrections employees and probation and parole
15 employees. The Department of Corrections shall also provide the
16 total number of offenders who are on probation, parole or post-
17 imprisonment supervision and shall also provide information related
18 to the use of sanctions, including technical violations, referrals
19 to intermediate sanctions facilities, intermediate revocation
20 facilities and revocations.

21 E. The Attorney General shall include in the report the number
22 of grants awarded pursuant to the Justice Reinvestment Grant Program
23 established pursuant to the provisions of Section 11 of this act and
24 the name of the law enforcement agency which received said grant.

1 F. A detailed report of the data analysis shall be provided by
2 the Attorney General to the Governor, the Speaker of the Oklahoma
3 House of Representatives and the President Pro Tempore of the
4 Oklahoma State Senate by January 1, 2017.

5 SECTION 13. This act shall become effective November 1, 2012.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-3-12 - DO PASS,
7 As Amended.
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